

APPEAL NO. 172367  
FILED NOVEMBER 15, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 6, 2017, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury; (2) (date of injury), is the date of the claimed injury pursuant to Section 408.007, the date the claimant knew or should have known the disease may be related to her employment; (3) the respondent (self-insured) is liable for the payment of accrued benefits pursuant to 28 TEX. ADMIN. CODE § 124.3 (Rule 124.3) resulting from its failure to dispute or initiate the payment of benefits within 15 days of the date it received written notice of the injury; and (4) the claimant did not have disability. We note that the claimant's name is misspelled in the style of the decision.

The claimant appealed the ALJ's determinations that she did not sustain a repetitive trauma injury and that she did not have disability. The claimant contends the evidence does not support the ALJ's determinations. The self-insured responded, urging affirmance of the appealed determinations.

The ALJ's determinations that (date of injury), is the date of the claimed injury pursuant to Section 408.007, the date the claimant knew or should have known the disease may be related to her employment and that the self-insured is liable for the payment of accrued benefits pursuant to Rule 124.3 resulting from its failure to dispute or initiate the payment of benefits within 15 days of the date it received written notice of the injury were not appealed and have become final pursuant to Section 410.169.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. No audio recording of the CCH is available for review. The file does not contain a transcript or an audio recording of the proceeding. Consequently, we reverse and remand this case to the ALJ who presided over the September 6, 2017, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the ALJ, a party who wishes to appeal from such new decision must file a

request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **FEDEX GROUND PACKAGE SYSTEM, INC. (a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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K. Eugene Kraft  
Appeals Judge

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Margaret L. Turner  
Appeals Judge